THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1109 of 2006

Dated: 27-01-2006

Potula Sarangapani and five others.

..... PETITIONERS

AND

The District Collector, Khammam, and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1109 of 2006

ORDER:

The petitioners are statedly legal heirs of Pothula Ramulu. He owned an extent of Ac.1.15 gts in Survey No.98 situated at Burhanpuram Village, Khammam Urban Mandal in Khammam District. Out of the same, an extent of Ac.1.08 gts was acquired for Nagarjuna Sagar Project (for construction of quarters) in 1969. It is alleged that the fifth respondent utilized only an extent of Ac.0.18 gts and the rest of the land was kept vacant. On 19-12-2005, the District Collector issued a letter to the fifth respondent to handover the vacant unutilized land in Survey No.98 to the Mandal Revenue Officer for being handed over to the writ petitioners in W.P.No.5857 of 1988. Aggrieved by the same the present writ petition is filed.

Learned counsel for the petitioners submits that the land acquired from the petitioners cannot be re-conveyed to third parties from whom different piece of land was acquired. This is, however, controverted by the learned Assistant Government Pleader for Land Acquisition. He, after getting instructions, submits that in

W.P.No.5857 of 1988, this Court, by order dated 13-12-1988, directed the District Collector to re-convey Ac.6.65½ cents to the petitioners therein and therefore, the letter dated 19-12-2005 was issued by the District Collector.

It is now well settled by reason of the decisions of the Supreme Court in **Gulam Mustafa v. State of Maharashtra**, **Chandragauda Ramgonda Patil v. State of Maharashtra**, **State of Kerala v. Bhaskaran Pillai**, **Northern Indian Glass Industries v. Jaswant Singh** and in **Govt. of A.P. v. Syed Akbar** as well as a decision of this Court in **Koppula Narasaiah v. Govt of A.P.**, the land acquired vests in the Government free from all encumbrances and the same cannot be reassigned or re-conveyed to the original owner. A person, whose land is acquired and to whom compensation is paid as per the provisions of the Land Acquisition Act, 1894, cannot be said to have any right to compel the Government to re-convey the unutilized land. Therefore, the petitioners' grievance cannot be redressed in this writ petition. If they have any grievance with regard to the letter dated 19-12-2005 addressed by the first respondent to the fifth respondent, it is open to them to approach the first respondent for necessary clarification.

With the above observations, the writ petition is disposed of. No costs.

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(**V.V.S.RAO, J**)

27th January 2006

ghn